

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EDDIEBERTO HERNANDEZ,	§	
	§	
Petitioner,	§	
VS.	§	MISCELLANEOUS ACTION NO. 2:12-MC-00584
	§	
JOHN M. MCHUGH,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DENY APPLICATION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

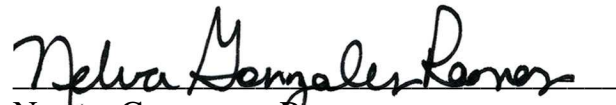
On March 19, 2013, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation to Deny Application for Leave to Proceed *In Forma Pauperis*” (D.E. 9). The Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 9), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Application to

Proceed *In Forma Pauperis* (D.E. 1) is **DENIED**. Plaintiff is **ORDERED** to pay the \$350 filing fee within thirty days in order to maintain his protected filing date of December 4, 2012.

ORDERED this 8th day of April, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE